

11TH GROUND.

MISS MARIE KARST, Sworn for the State. Attached is a copy of the examination in chief and the cross examination which I gave on the trial of the case of the State vs. Leo M. Frank. Every word of this testimony attached and set out in Exhibit "A" is true and correct. While I did not understand the meaning of the word "lasciviousness" I did understand and do understand the meaning of this language, viz: "his attitude toward girls and women" and in answering the question I gave my answer based on the words referred to. I now state again that I am acquainted with Leo M. Frank and was prior to April 26, 1913, and I was acquainted with his general character. The general character of Leo M. Frank was bad. The character of Leo M. Frank in respect to his relations with women was bad. I now understand the meaning of the word "lasciviousness" and Leo M. Frank's character for lasciviousness was bad. I have seen Leo M. Frank in the factory frequently talking to women. He usually talked with women in the factory who bore bad reputations. I never saw Mr. Frank stand and chat with women of good reputation like he did with those whose reputation and character were bad. When I was interviewed by the Solicitor General, he explained to me what the questions laid down by the law with reference to showing a man's bad character were, and he stated to me that I must answer one of the questions which he asked either yes or no. The Solicitor General did not tell me what Frank's general character was, but I told him that his character was bad, just exactly as I swore it in open court when on the stand and examined. I did not, if I ever stated in any affidavit that the Solicitor said he wanted me to answer questions right off sharp and quick, mean that he told me what to answer, and I did not mean that he told me to answer them sharp and quick, except in the sense that the Solicitor told me that the answer to one of the questions had to be yes or no, and nothing else. It is true that the Solicitor General did not use the word "lasciviousness" in talking to me in his office prior to going on the stand, but the Solicitor General did talk to me in plain language about Frank's reputation as to women.

I have given an affidavit to one C.W. Burke, and some man representing himself to be a Burns man. I did not put in that affidavit or authorize these men to put in that affidavit anything contradicting in any way the

evidence that I gave on the stand, it is a false paper and not authorized by me. Burke wrote out a paper in my presence himself, and had me sign it. I did not myself read the paper, but some man claiming to be a Notary Public, I have forgotten his name, professed to read the paper to me. I did not, when I signed the paper, hold up my hand and take any oath, but merely signed my name, though the man who said he was a Notary Public, asked me if what he read me was true.

(Exhibit "A" referred to above is as follows:)

"MISS MARIE KARST, Sworn for the State in rebuttal.

Direct examination by the Solicitor General.

Q. Miss Karst, did you ever work at the National Pencil Company?

A. Yes sir.

Q. When? A. About two years ago.

Q. Two years ago; what floor did you work on? A. I worked on the second floor.

Q. Second floor; are you or not acquainted with Leo M. Frank?

A. Yes sir, I am.

Q. You are; are you acquainted with his general character prior to April 26, 1913? A. Yes sir.

Q. Is that character good or bad? A. Bad.

Q. Bad; now Miss Karst, I will ask you if you are acquainted with his general character for lasciviousness, that is his attitude towards girls and women? A. Yes sir.

Q. Is that character good or bad? A. Bad.

Cross examination by Mr. Rosser.

Q. Where do you work now? A. I work for Nunnally & McRae.

Q. Nunnally & McRae; where do you live now? A. I live at 195 Kelly St.

Q. 195 Kelly? A. Yes sir.

Q. You worked there in 1910 two months? A. Worked?

Q. Two years ago you worked at the National Pencil Factory two months. A. No, I worked 18 months there.

Q. Eighteen months? A. Yes sir.

MARIE KARST, Sworn for the State. On Last Saturday, April 16, I signed an affidavit dictated in the office of the Solicitor General. I did not at that time make any mention of the matters referred to in this affidavit with reference to Miss Carrie Smith. I was only asked about that last night and this morning in the office of the Solicitor General. Soon after the trial of the case, Lemmie Quinn, foreman in the National Pencil Company's place of business phoned me. Lemmie told me to meet him at a certain time and place, viz, at Nunnally's across from the Piedmont Hotel. I met him there, as per his request. He told me that Frank's side had gotten hold of that scrape at the pencil factory about drinking; if I would see Burke and give him a statement that he could keep this out of court, but unless I did, they would bring it up in court against me, and I told Lemmie that he was the foreman there and we ought to know whether we got drunk or not, and he said he didn't know anything about it. We went out there and somebody had a half pint he got at the club, and another girl and I slipped around and got it and two more came around and drank some of it. At that time I was only 15 years old and the girls who drank this with me were fifteen or younger. It was stolen as a joke, out of the pocket of one of the boys working there; we drank it publicly and with the knowledge of everybody and as a joke. There was no secret about it. We made no effort to keep it secret. None of the girls were in the least bit under the influence of it. The incident caused a good deal of fun and that was all there was to it. I never heard any remarks made about it until Lemmie Quinn brought it up. Lemmie Quinn, in his talk with me, made it appear that Frank's side were going to make a big scandal out of it and it had the effect of scaring me, because I did not want my name made public in connection with that, unless all the facts were truly shown, and I did not wish the names of the other girls connected with it made public. Lemmie wound up his talk with me by insisting that I should go to see C. W. Burke and at last Lemmie went and phoned somebody and in a few minutes C. W. Burke came to see me. Lemmie set up to drinks and Burke talked to me. Burke wound up the conversation by asking me to come up to the office of Rosser, Brandon, Slaton & Phillips on the 7th floor of the Grant Building. I didn't go. Afterwards Burke met me on the street and again wanted to see about my working for him. The result was that I consented to work for Burke. I was not a stenographer, and could not write on the

typewriter. Burke stated that he only wanted me to work during the afternoons, and he paid me \$2.00 per day for the afternoons. I worked for him about a week. Burke wanted me to go around and see the girls who had sworn for the State on the trial of Frank, about his general bad character, and he wanted me to talk to them and report to him what they said, and see if they would not change their evidence. He then told me that what I swore on the stand didn't amount to anything because I wasn't cross examined, and said it was not recorded. I saw several of the girls among them Helen Ferguson and Carrie Smith, and they told me they would not change their evidence because what they swore was true. I did not tell them that I was working for Burke, but merely talked it over with them. One day Brke [sic] wanted me to see Monteen Stover, and talk to her, and see if I couldn't get her to change her evidence, given on the stand. I did not go to see Monteen Stover. One day Burke told me that he was coming out to my house and going to see my mother and tell her that I was going off with him to work on a street car case, and that he wanted me to go down and live in the house with Monteen Stover and pick her. Burke did come out to my house and saw my mother and tried to get my mother to let me go off to work on the street car case. My mother refused to let me do it, and would not let me go back and work for Burke any more. I met Burke and had my talks with him in the private office of Gov. John M. Slaton, in the office of Rosser, Brandon, Slaton & Phillips. One day I asked Carrie Smith, a friend of mine, to meet me up at Gov. Slaton's office in the Grant Building. That afternoon, however, I failed to go back to the office because it was raining. Next day when I saw Burke, he said "I had the best luck yesterday you ever saw. I got Carrie Smith where I want her". I asked Burke after I had seen Carrie Smith and she had told me what had happened, if he had a man by the name of Maddox working for him and Burke said no, and that he didn't know anybody by the name of Maddox. Carrie Smith had told me that she saw this man Maddox in the office at the time she saw Burke, and that Maddox had been to her representing himself to be a magazine man, wanting to write an article about the Frank case. Burke told me if Carrie didn't give what evidence he wanted, that he had a friend in an assignation house that knew Carrie, and that Carrie came down to this house lots of times, and she always called him up every time Carrie was down there and notified him and said that if Carrie didn't give the

evidence he wanted when this girl called up next time he would go down there. I asked Carrie about this and she said she did not know anybody by the name of Langley, the man Burke said was meeting her at that place, and she did not know anything about any such house. I have known Carrie Smith since she was a baby. We were little tots together. Her reputation is of the very best. She was never guilty of any such thing as Burke suggested and I knew it. I did not tell Burke anything but I just listened to what Burke had to say. During the time I was at Burke's office, I would frequently not work over fifteen minutes. He paid me however the \$2.00 a day as he promised. Burke told me that he took Mrs. Lillie Pettis out to see her sister Miss Nellie Pettis, who had sworn on the trial of the case of the State vs. Frank, and that Miss Nellie Pettis had admitted to him and her sister-in-law, Mrs. Lillie Pettis, that what she had sworn to on the hearing before the Coroner and on the trial of the case of the State vs. Leo Frank was untrue. I do not know why Burke told me this but he did.

NELLIE PETTIS, Sworn for the State. It is not true that I ever admitted in the presence of my sister-in-law or anyone else that I had sworn to a falsehood on the trial of the State vs. Leo M. Frank. I have read over my evidence as given on the trial of the case. If Mr. Burke ever told anybody that I had admitted to him that what I had said on the stand was false, that is untrue. Attached hereto is a copy of the questions and answers asked me by Solicitor General and Mr. Rosser. It is absolutely true. It is true that I did not understand the meaning of the word "lasciviousness" when the Solicitor General asked me that question, but I did understand what he meant when he asked me if I was acquainted with the general character of Leo M. Frank with women. I answered that it was bad and I now state that it was bad. I further state that Leo M. Frank insulted me in his office and made to me an indecent proposal which I resented, leaving the office immediately and rejoining my sister-in-law, who is present at the dictation of this affidavit. I have not made an affidavit for anybody changing the evidence tht [sic] I have at the Coroner's inquest and on the trial of the case, in the Superior Court. After I swore on the trial of the case, somebody [sic] came to see me, representing himself to be a newspaper man. I do not remember his name. My father has been missing for a long number of years. This man stated when he first saw me that he was

against Frank. He came out again in an automobile and there were two or three men with him. This man said he would find my father and he took out a sheet and put a picture of my father in a chair and professed to take a picture of my father's picture, and said he would send the picture to me, but he never did. He had an affidavit already written out. He told me that if I would sign a certain paper which he had there that he would find my father. I read the paper myself. It had nothing in it but the truth and the same thing that I testified before the Coroner's inquest and on the trial of the case. I did not put anything in that paper different from what I swore on the trial. This man was tall and there was some defect in his front teeth.

(Exhibit "A" referred to above is as follows)

MISS NELLIE PETTIS, Sworn for the State in rebuttal.

Direct Examination by Solicitor General.

Q. What is your name? A. Nellie Pettis.

Q. Miss Nellie, do you know Leo M. Frank? A. Yes sir.

Q. How long have you known him? A. Well, I don't exactly know him personally, but I know him when I see him, often enough to know him.

Q. Are you acquainted with his general character as to lasciviousness, that is with women prior to that time? A. Yes sir.

Q. Is it good or bad? A. Bad.

Q. What floor, when did you work over that at the National Pencil Company?

A. I didn't work there, my sister-in-law did.

Q. Your sister-in-law did work there? A. Yes sir.

Q. How often were you up there and around there? A. Well, I went nearly every Saturday, she would stay out and tell them she was sick on Saturday and I would have to go nearly every one.

Q. You would have to go up? A. Yes sir.

Q. What for, for what purpose? A. To get her money.

Q. To get her money. A. Yes sir.

Q. And who would you see when you went to get her money?

Mr. Rosser: That is immaterial

Mr. Dorsey: It is very material because they have denied that Mr. Frank ever paid these people.

Mr. Rosser: If it is for that, all right.

The witness: I saw Miss Eule May Flowers mostly when I went and one time -
- -

Q. Did you or not ever see Mr. Frank with reference to that pay

A. One time.

Q. One time?

CROSS EXAMINATION BY MR. ROSSER.

Q. Who is your sister?

A. Mrs. Lou May Pettis.

Q. Is she working at the factory? A. No, she quit just about three weeks ago, before the murder.

Q. Before the murder? Yes sir.

Q. Where do you live? A. Nine Oliver Street.

Q. Where do you work? A. I don't work anywhere, I stay at home and keep house for my mother.

Q. How long since you worked anywhere? A. Well, I worked last week with my mother, helping her out.

Q. Where does your mother work? A. 99½ Whitehall Street.

Q. What does she do? A. Make some paper boxes.

Q. Makes paper boxes for the Atlanta Box Company? A. Yes sir."

MRS. LILLIE PETTIS, Sworn for the State. My sister-in-law, Miss Nellie Pettis, has never stated to me at any time or place that what she swore on the Coroner's inquest or on the trial of the case or the State vs. Leo M. Frank was untrue. On the other hand, she has always stated to me that it was true. I remember sending my sister-in-law up to see Leo Frank to get my pay and waiting for her at the place she stated in her affidavit. I never told anybody and I never signed any paper to the effect that I did not believe that Leo M. Frank winked at my sister-in-law. I read in the paper where they said that I had made the statement, but the same is absolutely false. It was published in the paper that Mr. Bass Rosser the city detective got mad when I refused to swear against Leo M. Frank. I positively deny that I ever made any such statement to anybody. Mr. Rosser merely asked me those questions necessary to get at what I knew about Leo M. Frank. I never said to anybody at any time or place that I did not believe that my sister-in-law Nellie Pettis, knew Leo M. Frank.

